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MADRAS LEGISLATIVE COUNCIL DEBATES.

EIGHTH SESSION OF THE LEGISLATIVE COUNCIL
UNDER THE GOVERNMENT OF INDIA ACT, 1935.

*23rd, 26th January, 2nd, 21st, 23rd, 25th February
and 3rd to 6th March 1948.*

Volume XVI (Nos. 1 to 10).

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GOVERNOR OF MADRAS.

HIS EXCELLENCY LIEUTENANT-GENERAL SIR ARCHIBALD
EDWARD NYE, G.C.I.E., K.C.B., K.B.E., M.C.

MEMBERS OF THE COUNCIL OF MINISTERS.

1. THE HON. SRI O. P. RAMASWAMY REDDIAR, *Premier.*
2. THE HON. DR. P. SUBBARAYAN, *Home Minister.*
3. THE HON. DR. T. S. S. RAJAN, *Food Minister.*
4. THE HON. SRI M. BHAKTAVATSALAM, *Public Works Minister.*
5. THE HON. SRI B. GOPALA REDDI, *Finance Minister.*
6. THE HON. MR. DANIEL THOMAS, *Prohibition Minister.*
7. THE HON. SRI H. SITARAMA REDDI, *Industries Minister.*
8. THE HON. SRI K. CHANDRAMOULI, *Local Administration Minister.*
9. THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR, *Education Minister.*
10. THE HON. SRI K. MADHAVA MENON, *Agriculture Minister.*
11. THE HON. SRI KALA VENKATA RAO, *Land Revenue Minister.*
12. THE HON. SRI A. B. SHETTY, *Public Health Minister.*
13. THE HON. SRI V. KURMAYYA, *Rural Development Minister.*

MADRAS LEGISLATIVE COUNCIL.

PRINCIPAL OFFICERS.

President.

THE HON. SRI R. B. RAMAKRISHNA RAJU.

Deputy President.

HON. SRI K. VENKATASWAMI NAYUDU.

Panel of Chairmen.

DR. SYED TAJUDDIN SAHIB.

SRI R. SURYANARAYANA RAO.

SRI C. N. MUTHURANGA MUDALIYAR.

SRI N. RAMABHADRA RAJU.

Secretary.

SRI M. SURYA RAO, B.A., B.L.

வாய்மையே வெல்லும்
TRUTH ALONE TRIUMPHS

MEMBERS OF THE MADRAS LEGISLATIVE COUNCIL.

Name of member.	Name and class of constituency.
1 Vacant	Madras North, Muham- madan.
2 Abdul Latif Farookhi Sahib ..	Madras North Central, Muhammadan.
3 Adityan, S.B., M.A., Bar.-at-Law.	NOMINATED.
4 Ahamed Ibrahim Sahib, K. T. M. B.A., B.L.	Madras South, Muham- madan.
5 Bhima Rao, B., B.A., B.L.	Bellary, General.
6 Clubwala, Mrs. M. N., M.B.E.	NOMINATED.
7 Gopalakrishnayya, Adusumilli ..	Kistna, General.
8 Govindacharyulu, A. ..	West Godavari, General.
9 Hameed Sultan Maricair Sahib, V.	Madras South Central, Muhammadan.
10 Hensman, Mrs. M., M.B.E.	NOMINATED.
11 Jagannatham, H. M. ..	NOMINATED.
12 Jayaram Reddy, S. B.A.	Ramnad, General.
13 John, Dr. V. K. ..	Indian Christian.
14 Krishnamurti, Rao Bahadur D. . .	NOMINATED.
15 Kumaraswami Mudaliyar, Medai Dalavoi.	Tinnevely, General.
16 Lakshmanaswami Mudaliyar, Diwan Bahadur A., M.D., LL.D., D.SC., F.R.C.O.G., F.A.C.S.	NOMINATED.
17 Madhava Menon, The Hon. Sri Kozhipurath, B.A., B.L. (Minister).	Malabar, General.
18 Manjaya Hegde, D. ..	South Kanara, General.
19 Manathunainatha Desigar, K. ..	Tanjore, General.
20 Muthuranga Mudaliyar, C. N. ..	Chingleput, General.
21 Nagappa Chettiyar, V. Vr. N. Ar.	Ramnad, General.
22 Narayana Menon, M. ..	Malabar, General.
23 Narayana Rao, Mothey ..	West Godavari, General.
24 Narayanaswami Nayudu, B. . .	Kistna, General.
25 Natarajan, K., B.A., B.L.	Tanjore, General.
26 Perumalswami Reddiyar, C. ..	North Arcot, General.
27 Pathy, A. R. L. ..	NOMINATED.
28 Purushotham, Thuraga ..	East Godavari, General.
29 Rajan, The Hon. Dr. T. S. S., Leader (Minister).	Trichinopoly, General.
30 Ramabhadraraju, Nadimpalli ..	East Godavari, General.
31 Ramachandra Reddiyar, A. K. A.	Madura, General.

Name of member.	Name and class of constituency.
32 Ramakrishna Nayudu, R.	Coimbatore <i>cum</i> Nilgiri, General.
33 Ramakrishna Rajulungaru, The Hon. R. B. (<i>President</i>).	Chittoor, General.
34 Ramanatham Chettiyar, S. A. S. Rm.	Tanjore, General.
35 Rama Rau, Dr. U.	Madras City, General.
36 Ramaswamy Reddiar, The Hon. Sri O. P. (<i>Premier</i>).	South Arcot, General.
37 Ranga Reddi, N.	Cuddapah, General.
38 Roche Victoria, J. L. P.	Indian Christian.
39 Rodriguez, A. S. T. F.	Indian Christian.
40 Sankara Reddi, N.	Kurnool, General.
41 Satagopa Mudaliyar, S. K.	Salem, General.
42 Sarma, P. R. K.	NOMINATED.
43 Shaik Rowther Sahib, S. K.	Madras West Coast, Muhammadan.
44 Subbarama Reddi, L.	Nellore, General.
45 Sudarsanam, Maddi	Guntur, General.
46 Sundararama Ayyar, N. K.	Madura, General.
47 Suryanarayana Rao, R.	NOMINATED.
48 Tajuddin Sahib, Dr. Syed	Madras South Central, Muhammadan.
49 Uppi Sahib, K.	Madras West Coast, Muhammadan.
50 Veerabhadra Rao, Collura	Vizagapatam, General.
51 Veerabhadraswami, P.	Do.
52 Veeraswami, Bikkina	East Godavari, General.
53 Venkatachalamaji, N.	Vizagapatam, General.
54 Venkata Reddi, G., B.A., B.L.	Anantapur, General.
55 Venkataswami Nayudu, K. (<i>Deputy President</i>).	Madras City, General.

THE MADRAS LEGISLATIVE COUNCIL.

EIGHTH SESSION OF THE LEGISLATIVE COUNCIL UNDER THE GOVERNMENT OF INDIA ACT, 1935.

Friday, the 23rd January 1948.

The House met in the Council Chamber, Fort St. George, at three of the clock, Mr. President (THE HON. SRI R. B. RAMAKRISHNA RAJU) in the Chair.

I.—PANEL OF CHAIRMEN.

MR. PRESIDENT :—“ I have to announce to the House that under rule 9 of the Madras Council Rules, I have nominated the following four members of the Council to be panel of Chairmen for the eighth session of the Council :—

- (1) Dr. Syed Tajuddin Sahib.
- (2) Sri R. Suryanarayana Rao.
- (3) Sri C. N. Muthuranga Mudaliyar.
- (4) Sri N. Ramabhadra Raju.”

[Note.—An asterisk(*) at the commencement of a speech indicates revision by the Member.]

GOVERNMENT MOTION.

II.—ELECTION OF MEMBERS TO THE HOUSE COMMITTEE.

THE HON. DR. T. S. S. RAJAN :—“ Sir, I move—

That under rule 143 of the Madras Council Rules, this House do proceed to elect six members to the House Committee according to the principle of proportional representation by means of the single transferable vote in accordance with the regulations made in this behalf by the President.”

The motion was put and carried.

MR. PRESIDENT :—“ I have to inform the House that, in accordance with the regulations framed by me under rule 143 of the Madras Council Rules for the holding of elections according to the principle of proportional representation by means of the single transferable vote, I fix 2 p.m. on Monday, the 26th January 1948, as the time within which nomination of candidates for election to the House Committee should reach the Secretary. There will be an election on a date to be announced in due course if the number of candidates nominated exceeds the number of vacancies, namely, six.”

[23rd January 1948]

[The Advocate-General (Sri K. Rajah Ayyar)]

discussion only when it is brought up before the House. Discussion starts only when the Mover has moved. Because, there is that qualification that none of the motions can be made to interrupt a speech. Therefore, first of all the motion has to be made, and then there is the speech to be made. At any time thereafter the third motion can be brought up and the business under discussion shall be considered to be disposed of. That I think is the meaning of the rule. As far as the actual point before the House is concerned, these are my views. I shall clear any other points if required."

MR. PRESIDENT.—"The point that arises for discussion is this. (Interruption by the Hon. Sri K. Madhava Menon.) As you agree with me, let us finish off with the Advocate-General first. I think I am making this clear. The point is this. The other day even before a resolution was proposed or seconded, the Government brought in a motion saying 'we do pass on to the business next in order in the list of business.' I held that the motion was quite right and therefore that business was dropped.

3-16
p.m.

"Subsequently I felt on reading it over again a doubt whether I ought to have allowed it at that stage or allowed such a motion only after the motion was moved and seconded. That would be the proper time—I thought subsequently—for allowing a motion of that sort, viz., 'that we do pass on to the subject next in order.' It is only that point that I wanted to get cleared. The Advocate-General can enlighten us on that point, namely whether such a motion can be made even before a motion is moved and seconded or only after a motion is moved and seconded. As he says this consists of three contingencies. The motion that a meeting be adjourned can be moved at any time. By its very nature, as soon as we meet now, any Member can rise and say 'We do adjourn'. No further discussion is necessary about that. The only discussion necessary is about the business being adjourned or postponed and the House passing on to the next subject in order. When are these motions to be made? Is it in order to bring in such a motion even before a particular Member rises and moves and another hon. Member seconds a resolution or such other motion. Even when I call upon any Member to make his motion is it open to any other Member to rise and say: 'Let us pass on to the next business'. That is the point on which I would like to be enlightened."

* THE HON. SRI K. MADHAVA MENON :—"I submit, Sir, that the words 'at any time' applies to all the three cases. My doubt is this. Under the ordinary principles of interpretation no words will be ordinarily used in a Statute without some meaning. Therefore the words 'at any time' will apply to all the three cases mentioned by the Advocate-General, whether it is a motion for adjournment, postponement or that the House pass to the business next in order in the list of business. The only condition is that you should not interrupt a speech. So, without interrupting a

23rd January 1948] [Sri K. Madhava Menon]

speech any of the three motions can be made at any time. My doubt is this. Suppose the first item is over, and the Hon. President calls upon any Member to take item 2 standing in his name. I say that before he stands up I can move that we may pass on to the item next in the order of business. You must give some meaning to the words 'at any time'. The other Member whom you have called upon has not begun his speech. At any time I or any other Member can get up and say 'We pass on to the next item.' Then if I can do it at any time without interrupting a speech my motion will be in order. The only difficulty will be about the words 'business then under discussion'. What is the meaning of the words 'business under discussion'? I say that the business under discussion is the item which you have called upon to be moved. After the first two items are over if you have called upon a Member to move the third item then it becomes a motion. Then we will come to this position. It is said that not only a Member must move but another member should second it. If it is a non-official motion, the Member must move and make a speech and another member must second and make a speech. Then only we can move a motion for passing on to the next item of business. If that is the interpretation that is to be put then I submit that the words 'at any time' are very important. When the President asks a particular Member to move a motion after the first motion is over and before the Member begins a speech if I make a motion without interrupting a speech you are bound to admit it. There is a fullstop there after the word 'speech'. The only condition is that I should not interrupt a speech. Before that Member gets up and makes a speech if you have passed on to the next item or called upon the Member to move and before that member moves or gets up I say: 'Sir, we pass on to the next item of the business' then it satisfies all the conditions that are required for the motion to be in order. Then the motion will be in order whatever may be the result of the vote. The only question now is 'what is business under discussion'. According to me it can be a business under discussion when you have asked it to be moved."

MR. PRESIDENT:—"I think the Advocate-General can wait to hear some other hon. Members. Does any other hon. Member want to say anything on this."

SRI M. NARAYANA MENON:—"I wish to point out one thing after hearing Mr. Madhava Menon's speech in respect of the words 'at any time.' I do not want to say anything against it because I agree with him. The latter portion of the rule reads—

'If the motion is carried, the meeting or business shall, subject to the provisions of sub-rule (3) of rule 15, be adjourned or postponed accordingly, or if the motion carried be that the House pass to the business next in order in the list of business, the business then under discussion shall be considered to be disposed of.'

[Sri M. Narayana Menon]

[23rd January 1948]

We have no difficulty if a motion 'that the House pass on to the next business in the list' is carried. The difficulty is about the business under discussion. What we are concerned with is that if that motion is carried what will be the result subsequently. If the motion is that the meeting or business be adjourned or postponed subject to sub-rule (3) of rule 15 the business will be adjourned or postponed accordingly. With regard to the other thing, namely if the motion that the House pass to the business next in order in the list of business, is carried, what will be the result? The business then under discussion shall be considered to be disposed of. Then we have to consider what is the meaning of the expression 'the business under discussion.' I say that the business under discussion means the business in respect of which a motion is made. I think the rule is clear. At any time without previous notice the motion can be moved that the House pass on to the business next in order in the list of business. If it is passed then that business will be considered to be disposed of, because the business then under discussion means, the business in respect of which the motion is made. I think the view that was taken by the President previously is the correct view. Therefore, there is no necessity to water it down subsequently."

SRI S. B. ADITYAN :—" Mr. President, I hope the learned Advocate-General will explain in his reply what is meant by the 'business under discussion.' Does it become a business under discussion the moment you mention that the next item on the Agenda be taken up or does it become a business under discussion as soon as it is moved or does it become a business under discussion as soon as it is moved and seconded? I hope the learned Advocate-General will enlighten us on that point. The important words are 'under discussion' and not 'the business under discussion.'"

"As he mentioned there are three things, that the meeting be adjourned or a business be postponed or the House pass on to the next item in order in the list. I want to know what is the difference if there is meant to be a difference, between the second and the third category."

MR. PRESIDENT :—" Adjourned or postponed? "

SRI S. B. ADITYAN :—" It is said that the business be adjourned. First of all there is this, that the meeting be adjourned. That part is quite clear. When there is a motion that the business be adjourned, how does it differ from the other motion that the House pass on to the business next in order in the list. I merely suggest that probably the motion that the business be adjourned can be brought at any time."

MR. PRESIDENT :—" We are not really on that point what is the effect of adjourning or what is the effect of postponing a business or what is the effect of passing on. We are not really on that point. The point is when can these motions be made."

23rd January 1948]

SRI S. B. ADITYAN :—“ Of course, the whole thing centres round this, namely when does a business become a business under discussion. If I may venture to offer my opinion, I say it does not become a ‘business under discussion’ until it is actually ‘under discussion.’ If the Government want to move a dilatory motion before it becomes a subject of discussion, they must do so under some other Rule.”

* THE ADVOCATE-GENERAL (Sri K. Rajah Ayyar) :—“ Mr. President, I shall illustrate by assuming that there are 10 items on the Agenda. Under rule 63 any business may be postponed. Therefore there may be a motion at any time saying for example, that item 5 in the Agenda may be postponed, item 7 may be postponed or items 5 and 7 may be postponed. Any business may therefore be postponed at any time. There is no restriction at all as to when such a motion can be made. The only restriction is not to interrupt a speech. So long as a speech is not interrupted, without any limitation as to time the proposal that the meeting itself be adjourned or any business on the Agenda be postponed would be in order. If such a motion is carried the effect is: The meeting or business subject to the provisions of sub-rule (3) of rule 15 will be adjourned or postponed accordingly.”

MR. PRESIDENT :—“ That is changing the order.”

THE ADVOCATE-GENERAL (Sri K. Rajah Ayyar) :—“ Subject to that rule therefore it is adjourned. Or if the motion carried is that the House proceed with the business next in order in the list of business, such a contingency can possibly arise only when there is a next item in the order of business. Therefore we will assume that No. 3 is being discussed. The motion which is contemplated can only be that you pass on to No. 4. The point is: next in order of business. We have got rule 15 which says that the order of business as appointed shall not be revised except upon a motion accepted by the House. Therefore the House has to proceed with the items in the order of one, two, three, four, five, etc. Therefore when business No. 3 is under discussion then the motion can be that we pass on to business No. 4. Only this contingency can arise. Because if when business No. 3 is being discussed there is going to be a proposal that No. 5 may be postponed or 6 be postponed it will only come under the earlier clause of business being postponed. It won't be passing on to the item next in the order of business. Therefore ‘next in order of business’ can come in only when for example in the illustration which I have given, 3 is being taken up. The real point that arises is when can that motion be made. No doubt that can also be made at any time, without any limitation as to time. That can also be made only so as not to interrupt a speech. But in testing it practically the contingency can arise only if No. 3 is under discussion and No. 4 has to be taken up or is proposed to be taken up. The real point therefore for consideration, will be when does the business come under discussion? It is said that it becomes a business under discussion the moment the Chair calls upon the

[The Advocate-General (Sri K. Rajah Ayyar)]

[23rd January 1948]

mover to move. Does it become a business under discussion only after it has been proposed and seconded or at any earlier stage. I would venture to think that having regard also to the words 'at any time' as pointed out by the Hon. Mr. Madhava Menon—we have got to give a meaning to it—it is not necessary that it should have been seconded even. We have to give meaning to the words 'business then under discussion' also. It is possible to say that a business becomes a 'business under discussion' the moment the Chair calls upon the mover to move. It may be possible to say that the business becomes a 'business under discussion' only if it has been formally moved and seconded. But I venture to think that having regard also to the words 'at any time' a business becomes a 'business under discussion' the moment the mover has moved the resolution. I would say that by the mere fact that the Chair calls upon a particular mover to move or bring it up for discussion will not bring it under discussion until the mover moves. Suppose the mover says: 'I do not move it at all' then it does not come under discussion at all. The Chair merely brings it up for discussion. It settles the Agenda and it brings it up for discussion by calling upon the mover to move. The mover moves, then the question is taken up. In one sense, it does not finally come up for discussion, in the sense that the seconder has also got to second it and that till the seconder seconds it, it does not actually come up for discussion. But we have also to take the words 'at any time.' The effect of it can come therefore the moment the mover moves. Supposing he moves it and does not make a speech then there is no difficulty at all. Supposing he moves and makes a speech, then immediately thereafter the business is under discussion and that business is deemed to have been disposed of by the passing of a motion that 'the House pass on to the business next in order in the list of business', and we have got to proceed to the next item in the Agenda. I do not know if I have made myself clear. I have given my opinion that the business under discussion starts when the mover has made his speech. Any time thereafter, a motion can be brought."

3:30 p.m. SRI B. BHIMA RAO :—"If it is seconded or simply moved?"

THE ADVOCATE-GENERAL (Sri K. Rajah Ayyar) :—"The moment it is moved."

* DR. V. K. JOHN :—"Only after the mover finishes his speech because he cannot be interrupted, a Government member can move and say, let us pass on to the next item. Is it the opinion of the Advocate-General that the mover should finish his speech?"

THE ADVOCATE-GENERAL (Sri K. Rajah Ayyar) :—"Yes."

* ABDUL LATIF FAROOKHI SAHIB BAHADUR :—"We are thankful to the Advocate-General for the opinion that is

23rd January 1948] [Abdul Latif Farookhi Sahib Bahadur]

expressed by him. But the Hon. Sri Madhava Menon has tried to confuse the issue of the Advocate-General, which is the view taken by you afterwards."

MR. PRESIDENT :—" You do not know what the view that I have taken afterwards is."

* ABDUL LATIF FAROOKHI SAHIB BAHADUR :—" I mean tentative. I want to know one point, Sir. What is meant by the business under discussion? Supposing there are many items. I will just give an illustration. If there are three or four items in the Agenda and if one item is disposed of, is there any business? There is no business in the interval when one item is disposed of and before another item is taken up. In that interval, there is no business at all and therefore no motion can be moved in that interval. The other point which I want to place before you for your consideration is that a motion that any meeting can be adjourned may be moved either by a Government member or by any other non-official member of the House. But the point is, there was the motion of Sri Suryanarayana Rao and the motion of the Government member was that that item should be omitted and the next item should be taken up. In that case, the Government member was not right in moving that motion."

MR. PRESIDENT :—" The hon. Member should not be under the impression that it is meant only against the Government. It is a right given to any member. If the Government member had moved a motion and made a speech, it will not be possible for any other hon. Member to make another motion some time hence."

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—" I submit that there is no business in the interval when one item is disposed of and before another item is taken up. In that interval there is no business at all."

* DR. V. K. JOHN :—" I regret I cannot fully agree with the Advocate-General's opinion on this matter. The Advocate-General was of the opinion that there cannot be a motion that the business next in order in the list of business be taken up unless the mover has finished his speech and when the mover finishes his speech, the dilatory motion can be made. In my opinion discussion is different from a motion. We should give the same meaning to the motion under discussion as is given in the rules 63 and 72. We must as far as possible give the same meaning to the words used by the Legislature in the various rules. The Legislature makes a distinction between a motion and a discussion. Therefore, the Advocate-General, in my opinion, is not correct when he says that when the mover moves the motion, it is under discussion. The discussion starts only after the President calls for a discussion of the motion. Then there is the phrase 'at any time' there. At any time a member can make a motion that the business next in order in the list of business be taken up without previous notice and the business then in discussion shall be considered to be disposed of. We are worried with the words 'under

[Dr. V. K. John] [23rd January 1948]

discussion.' The intention of the Legislature must be ascertained by giving a reasonable interpretation to the words used. It may be that a motion is made that we pass on to the next business in the order after the business under discussion. It may be that no discussion has started. In my opinion you might move that the business next in order may be taken up at any time, even before the hon. Gentleman has begun his speech and therefore the Government was in order last time in moving that the next item in the order of business be taken up. It says that if the motion is passed after the discussion has started the business then in discussion shall be considered to be disposed of. Therefore, any Government member or any other member may make a motion that the business next in order in the list of business be taken after a motion has been discussed or before it, in other words at any time. I think I must emphasize this point. The Legislature has used three phrases; one is 'at any time', the other is 'business next in order', and the third is 'the business then under discussion'.

MR. PRESIDENT :—" If business No. 2 is under discussion, then the motion is that we pass on to No. 3."

* DR. V. K. JOHN :—" You can pass on at any time. Let us see what is the business next in order; it means the next business to the one under discussion. In my opinion you cannot give the interpretation that it is under discussion after it is simply moved. Only after it is seconded, you put it to discussion. Then it is under discussion. That is the intention of the Legislature. I think we ought to give a commonsense interpretation and a reasonable interpretation to the wording used in the rule. I think the motion that was moved by the Hon. Minister for Food was quite in order. In my opinion we can make a motion that we pass on to the next business in the order of business at any time before the motion is moved and seconded and the business is under discussion or before it."

* THE HON. MR. DANIEL THOMAS :—" Sir, I should like to make a suggestion for the consideration of the Advocate-General."

MR. PRESIDENT :—" I hope your suggestions are for my consideration also."

* THE HON. MR. DANIEL THOMAS :—" Sir, the real difficulty arose in our attempt to reconcile these two phrases 'at any time' and 'under discussion.' Now, I agree with the interpretation of the Advocate-General when he says that till the actual motion is made, there is no business under discussion. Unless a motion is made, there is no discussion and we can pass on to the next item of business. But, I would go further and say that in order that a motion may be made, it should not only be moved but it should also be seconded. The reference of the hon. Dr. John to rule 75, I think, makes it very clear. It says: 'At any time after the expiry of six days from the publication of the Bill

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in the Gazette, the member in charge of the Bill may make one of the following motions in regard to his Bill, namely, (a) that it be taken into consideration by the Council either at once or at some future day to be then specified; etc.' On such a motion, a general discussion on the principles of the Bill may take place. It follows that until the motion has been moved and has been seconded, the second part of rule 75 does not come into operation. In order to reconcile these two rules, I am suggesting a practical working compromise because there are two phrases, namely 'at any time' and 'then under discussion' and we must reconcile them as best as we can in the light of the present rule 75. Therefore, I would like to interpret the words in rule 63 in the light of the meaning vested in rule 75 (2) which says: 'On such motion, the principle of the Bill and its general provisions may be discussed, but the details of the Bill shall not be discussed further than is necessary to explain its principle.' Therefore, there is no manner of doubt that what is under discussion is the motion after it is moved and seconded. If that interpretation is also applied to rule 63 which is the proper and legitimate interpretation, the conclusion will be arrived at that a motion to pass on to the next item of business can be made only after a motion is moved and duly seconded."

* DR. V. K. JOHN :—" But the Government member making the motion need not be seconded."

* MR. PRESIDENT :—" I would like to finish my ruling by 4 o'clock. I hope the House will excuse me if I give my ruling sitting because it is a very lengthy ruling. 3-45 p.m.

" Rule 63 contemplates four different kinds of motions, namely, (1) the meeting be adjourned or postponed, (2) the business be adjourned, (3) the business be postponed, and (4) the House pass to the business next in order. The point for decision is at what point of time can these motions be made. The motion that the House be adjourned or postponed presents no difficulty. By its very nature, it can be made either as soon as the House meets and before any business is actually taken up or subsequently even when the House is actually engaged in transacting any particular business. The difficulty is only regarding the other three motions. The question is when is it competent for the House to entertain any of the other three motions. In other words, as soon as the chair calls upon a member to move a particular motion set down in his name in the Agenda paper or even before, is it open to any other member to move any of these three motions. This question can be properly answered, if it is understood when the House can be said to be in possession of any subject to enable it to adjourn, postpone or pass over it. Does the preparation of the Agenda paper setting down the matters to be considered at the meeting, *ipso facto*, put them in the possession of the House, so as to give it jurisdiction to dispose of them in any manner competent to it, or should any particular subject be formally put in the possession of the House by a proposal and

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seconding before the House can proceed to deal with it. In short, when does a matter set down in the list of business become a business in this sense, is the question. It strikes me as a very elementary proposition that the formality of proposing and seconding is necessary before the House can get seized of the matter. It is well-known that this is the accepted and well-recognized procedure adopted all over the world by all bodies and associations and even in ordinary public meetings for the conduct of their proceedings.

"Let us see if parliamentary procedure warrants any deviation in this procedure. It is well-known that the procedure of the Parliament in England forms the basis for the Rules of this House. It will be interesting and instructive to examine their procedure.

Adjournment of meeting or business.

"In May's Parliamentary practice, fourteenth edition, 1946, at page 381, it is stated thus:—

'In the Commons, when the motion has been seconded, it merges in the question which is proposed by the Speaker to the House and read by him; after which the House is in possession of the question; and must dispose of it one way or another before it can proceed with any other business. At this stage of the proceeding the debate upon the question arises in both the Houses.'

"From this it is clear that the House is not in possession of any business till the question is proposed by the Chair and as such the House is not competent to dispose of the business before that formality is gone through. Again on page 382 we find "modes of evading or superseding a question are (1) by moving the adjournment of the House or debate (the so-called dilatory motions) (2) by moving the previous question and (3) by amendment.' In the midst of the debate upon a question any member may move 'that this House do now adjourn' or 'that the debate be now adjourned.' From this also it is clear that these motions can only be made in the midst of a debate, the only exception being that a motion for adjournment of the House before or between the orders of the day can only be moved by a member of the Government. It is also stated on the same page 'that a dilatory motion cannot be made while a member is speaking but can only be offered by a member, who on being called by the Speaker in the course of the debate, is in possession of the House.' It is clear therefore that the motions for adjournment of the meeting or business mentioned in Rule 63 correspond to motions for adjournment of the House and the adjournment of the debate in the House of Commons.

Postponement of meeting or business.

"On page 382 of May's it is stated that in the Lords a future day may be specified in the motion for adjournment but in the Commons such a motion cannot be made and the motion should

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be simply for adjournment. Rule 63 simply provides only for such a postponement. This is all the difference between adjournment and postponement.

House passing on to business next in order.

" This corresponds to what is called 'moving the previous question.' This is discussed on pages 383 and 384 of May's. The object of such a motion is 'to withhold from the decision of the House a motion that has been proposed by the Chair, by a motion which compels the House to decide, in the first instance whether the original motion shall or shall not be submitted to the vote of the House. The motion is 'that that question be not now put.' If this motion is carried the question is not put, the subject under discussion is dropped and the House automatically passes on to the subject next in order. So far as I can gather this is all what appears from the procedure in England. A motion of the kind in question, even before a motion is moved and seconded and proposed as a question from the Chair does not appear to be known in that country.

" Now let us examine the wording of Rule 63 and see if it warrants any change of procedure. The two phrases in the rule namely 'but not so as to interrupt a speech' 'the business then under discussion shall be considered to be disposed off' and the second proviso 'that a motion under this rule (covering all the four kinds of motions) cannot be made more than once during the debate on any question' leaves no room for doubt in my mind that it contemplates an actual debate in the possession of the House before any of these motions can be made.

" An argument was advanced that the rule says 'at any time' and that this phrase must be given a meaning. Obviously the phrase cannot mean what all it can connote. For instance it cannot be said that such a motion can be made while the House is not actually sitting. Taking the rule as a whole and the context it can only reasonably mean 'at any time during discussion' without being bound down by rules as to period of notice, etc., and to any particular point of time during discussion.

" Next it is argued, though not in the House, that as Rule 15 says that the order of the business in the list shall not be revised except by a motion accepted by the House, it tantamounts to giving the House jurisdiction over the matters set down on the list. I consider this argument unsound. The preparation of an agenda is only for convenience and serves only as notice to members that the proceedings will be conducted in a particular order and nothing more.

" Again rule 15 (3) is negative in character. Understood properly it is just a direction to the chair that the order of business should not be changed as it pleases. The reason is obvious. Notice having been given to all the members that the subjects will be taken up in a particular order, it should not be changed without their consent. This rule if at all, gives power to the House to alter only the order if it likes. The order in which

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the subjects are to be taken is one thing and disposing of the subjects themselves is quite a different thing and the latter can be done only according to accepted principles of procedure.

"Next it is interesting to note how this question was dealt with before this in this Presidency as well as in the Central Legislature.

"In the Legislative Council Proceedings, February 1924, Vol. XVI, you find the following: Mr. C. P. Ramaswami Ayyar was called upon to make the motion against his name on the agenda. Mr. Rao Bahadur C. V. S. Narasimha Raju rose and asked for permission to move that the consideration of the item be postponed till the first day of the next session under S.O. No. 34 which corresponds to the present rule 63. The Hon. President Mr. Swamikannu Pillai said that the member had to wait until the motion was made. A discussion ensued and it was contended by some of the members that relying on the phrase 'at any time,' Mr. Raju's motion was in order. The President formulated two points for decision as follows:—

(i) whether the motion that any business be adjourned can be moved under S.O. No. 34 before the meeting at which the motion is made has become seized of the business in question;

(ii) whether in the particular case the Hon. the Law Member having been permitted to speak by the President, Mr. C. V. S. Narasimha Raju had the right to make the motion under S.O. No. 34 so as to prevent the Law Member from making his speech.

Though these two points were formulated, the Learned President did not decide point No. (1) but held on point No. (2) that the Hon. Law Member having been permitted to speak, Mr. Raju could not be permitted to move a motion so as to prevent the Hon. Law Member from making his speech. He said 'I consider that of the two honourable Members, the Hon. Law Member had obtained the right to speak first and except on the point of order he had the right not to be interrupted.' Thus point No. (1) was not squarely met and decided. But all the same the result was the Hon. Law Member was allowed to go on with his motion and the adjournment motion could not be moved.

"The question rose again in March 1927 while Mr. C. V. S. Narasimha Raju was the President. There was a motion in the name of Mr. Satyamurthi on the agenda. Diwan Bahadur Krishnan Nair wanted to move for adjournment of this item. Mr. Satyamurthi objected and said that no adjournment could be moved before he makes the motion. The President expressed his opinion that when once the list of business is prepared it becomes an agenda for procedure in the House. Then Mr. Sami Venkatachellam Chetti raised the point, whether in that view any item which is in the list prepared by the Secretary even though it may not be reached, may be moved to be adjourned. The President said that it could be done. Ultimately Diwan Bahadur Krishnan Nair was allowed to move the motion for adjournment and that was carried.

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"In 1926, this question came up before the Hon. Mr. V. J. Patel in the Central Legislative Assembly. Sir P. S. Sivaswami Ayyar had a motion against his name regarding training of Indians for nautical careers. Diwan Bahadur T. Rangachariar wanted permission to move for its adjournment even before Mr. Sivaswami Ayyar made his motion. The President remarked thus: 'A motion for adjournment of the debate can only be moved after the resolution has been formally moved.' That ruling was obeyed and Sivaswami Ayyar was allowed to make his motion.

"In 1928 a conference of all Presidents of Legislative Councils was held presided over by the Hon. Mr. V. J. Patel. There a question, namely, can a motion for the postponement of any item included in the list of business be made before the item is actually reached, came up for discussion. The President of the Madras Legislative Council, Mr. Raju, referring obviously to his ruling mentioned above, said that such a practice existed in Madras. The general sense of the conference was that no motion for postponement of any business can be made until that business is reached though the conference did not in terms decide the further question, whether a motion should actually be made before it is sought to be adjourned. Yet it is clear considering the fact that the question before the conference was a corollary to the opinion expressed by Mr. C. V. S. Narasimha Raju as contended by Sri Sami Venkatachallam Chetti and considering also the fact that the conference was presided over by the Hon. Mr. Patel who had already given the ruling quoted above, it may solely be taken that the opinion of Mr. C. V. S. Narasimha Raju was not approved by the conference.

"It looks to me the cardinal principle underlying this matter is this. We must not forget that the House consists of Government members and members of various other parties also. It may be that one party or another does not want to discuss a particular subject. When we want the House to come to a decision on a particular subject, we must tell the House what the subject is. Without allowing the member to say what he wants to say, without putting any matter definitely before the House, I should think it is unfair to ask the House to come to a decision on any point. Unless any point is before the House, unless any motion is before the House, unless the member is given an opportunity to convince the House why the subject should be taken up immediately and not adjourned, the House cannot come to a conclusion whether the business can be taken up or postponed. According to me that is a very fundamental principle which we ought not to forget. Before we ask the House to come to a decision on any particular subject, the House must know what the subject is. For all these reasons, I think the rule as it stands contemplates as regards the three latter motions that the subject must be moved and seconded. It is only then that any member can have a right to move an adjournment or postponement. I prefer to follow the procedure in the House of Commons as well as the ruling given by Hon. V. J. Patel.

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"I am aware that it may be the intention of the kind of motion under discussion that the particular subject should not at all be discussed and that in effect the House should not hear anything about it. If that is the idea, the only course seems to be first to move under rule 15 for revising the order in the list of business and putting the particular business at the end of the list, and when it is reached to move for an adjournment of the House, as was done the other day. This is no doubt a devious method, but there is no escape from it."

SRI S. B. ADITYAN :—"As a result of your ruling, Sir, may I take it that the resolution of Mr. Suryanarayana Rao is not disposed of and it will be in the list of business."

MR. PRESIDENT :—"The hon. Member is well aware of the rule that whatever mistakes the House has committed cannot be undone."

THE HON. SRI K. MADHAVA MENON :—"Can a motion under rule 15 (3) be moved at any time, Sir? That is with reference to changing the order of business."

MR. PRESIDENT :—"I think so. There is no time fixed there. I am not going to give any ruling on that point. I suppose you can do it at any point. It only says that the order of business as arranged in the list shall not be revised except on a motion accepted by the House. It does not give any time."

SRI S. B. ADITYAN :—"Sir, what your ruling amounts to is that Mr. Suryanarayana Rao's motion was not under discussion. Therefore it could not have been disposed of."

MR. PRESIDENT :—"My ruling is there on that date. I cannot set aside that ruling. That ruling, right or wrong stands. This ruling is only for future guidance."

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—"Has not that ruling been cancelled subsequently by this ruling?"

K. T. M. AHMED IBRAHIM SAHIB BAHADUR :—"Sir, does not this ruling of yours overrule the previous ruling?"

MR. PRESIDENT :—"I say it does not. That ruling stands for that date."

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—"For future guidance, we should take the latter ruling and not the former one."

DR. V. K. JOHN :—"Can a ruling be given, Sir, when a question is not before the House?"

MR. PRESIDENT :—"The President can do anything he likes." (Laughter.)

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IV.—MESSAGE FROM THE ASSEMBLY.

MR. PRESIDENT :—" I have to announce to the House the following message, dated Fort St. George, the 22nd January 1948, received by me from the Hon. the Speaker of the Madras Legislative Assembly :—

' In accordance with rule 111 (2) of the Madras Assembly Rules, I transmit a copy of the motion passed to-day by the Madras Legislative Assembly, desiring to obtain the concurrence of the Council in setting up a Joint Select Committee of the two Houses to consider the Madras Estates (Repeal of the Permanent Settlement and Conversion into Ryotwari) Bill, 1947 (L.A. Bill No. 37 of 1947).

' That, under rule 111 of the Madras Assembly Rules, the concurrence of the Legislative Council be obtained in setting up a Joint Select Committee of both the Houses consisting of thirty members to consider the Bill, twenty members from the Assembly and ten members from the Council '."

V.—GOVERNMENT BILLS.

(1) THE MADRAS ALIYASANTHANA BILL, 1947^a.

* THE HON. SRI K. MADHAVA MENON :—" Sir, I beg to introduce the Madras Aliyasanthana Bill, 1947, and move under rule 111 of the Madras Council Rules that the concurrence of the Legislative Assembly be obtained in setting up a Joint Select Committee of both the Houses consisting of 12 members to consider the Bill, eight members from the Assembly and four members from the Council.

" Sir, there is no necessity for me to speak at length on this Bill. Aliyasanthana law is more or less the same as the Marumakkatayam law which prevails in the neighbouring district of Malabar. In the book on the subject by Mr. P. R. Sundara Ayyar it is stated as follows (pages 243-245) :—

' Aliyasanthana law as the name implies is the rule of inheritance under which property descends in the line of nephews. The term, it will be noticed, is the exact Kanarese equivalent of the Malayalam term Marumakkatayam. The people that follow this system are to be found in Kanara and mostly speak Tulu. The word corresponding to *Marumagan* is *Marumaya* in Tulu, but the word in use among the people to denote the system of law is the Kanarese word—Aliyasanthana Kattu or more shortly Aliyakattu. The rules of this system with the traditional account of its origin are to be found in a Kanarese pamphlet known as Bhutala Pandya's Kattu Kattalai.

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The system promulgated differs but slightly from the Marumakkatayam system. In its main features, viz., impartibility, descent in the line of females and non-recognition of marriage as a legal institution it completely agrees with the latter.

The Aliyasanthana system differs from that of Malabar only in more consistently carrying out the doctrine that all rights to property are derived from females. Observations to a similar effect are to be found in some decisions. These observations are responsible in the main for the recognition of rights of management in females, for the evidence given in certain cases disclosed a state of facts not dissimilar to that in Malabar.

" Sir, when the Marumakkatayam Bill was brought in the Assembly in 1932 it was expected to cover the Aliyasanthana law also, but serious objections were raised by the followers of Aliyasanthana law in South Kanara and they were excluded from the provisions of the Bill. In 1933, the hon. Member Mr. A. B. Shetty brought forward an Aliyasanthana Bill which was referred for public opinion. Public opinion was obtained and published by the Government. The majority of followers of Aliyasanthana law agreed that the Bill was necessary. But as the Legislature was dissolved, the Bill could not be proceeded with. When the Legislature was formed again, the hon. Member Mr. A. B. Shetty, before he became Minister, gave notice of a private Member's Bill and the Government gave him permission to do so and said that they would not oppose the Bill being referred to a Select Committee. Later on, he was able to convince the Government that the Government themselves might take it up as a Government Bill. That is the reason why it has come up now as a Government Bill.

" Sir, the Bill only intends to codify the existing law which is based on custom and certain decisions of courts. Customs change and the views of courts also have been changing. We have simply attempted to codify the existing practice and made certain changes to suit the conditions and the ideas of the people affected. It has been suggested that it is expedient to define and amend in certain respects the law relating to marriage, intestate succession, family management and partition applicable to persons governed by the Aliyasanthana Law of Inheritance. The exclusion of persons following Aliyasanthana law of inheritance from the operation of the Marumakkatayam Bill in 1933 was due to the opposition of a section of the people to certain provisions in the Chapters of Marriage and Partition and since then, opinion in favour of such legislation has gathered strength in the South Kanara district.

" Sir, I feel that the Bill before the House does not go as far as the Marumakkatayam Act in some respects. We have given consideration to conservative opinion and respected it. Therefore,

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we have not gone far in that direction. But on one matter, I would have certainly preferred a further step. On the question of marriage, you will find in clause 4 :

'Save as provided in section 5, the conjugal union of an Aliyasanthana female with a male belonging to the same community as such female shall be deemed for all purposes to be a legal marriage, . . .'

"Personally I would have liked the words 'male belonging to the same community as such female' to be omitted. I do not see any reason why a marriage of an Aliyasanthana female with a male belonging to any community provided he is a Hindu, should not be a valid marriage. When the Marumakkatayam Bill was introduced there was the same wording. Subsequently opinion in Malabar was in favour of a change. In the Select Committee the words 'the same community as such female' were omitted and the words 'male belonging to any Hindu community' were added.

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p.m.

"There is a very strong opinion in South Kanara that marriages between an Aliyasanthana female and males belonging to that community should be recognized and that has been recognized in the Bill here. That is the main change that has been promulgated now. I do not think I should go into details of the sections, because the sections are more or less the same as before. If any changes are necessary according to custom that is now prevailing, they may be discussed by the Select Committee and I need not take up the time of the House by dealing with section after section."

The motion was put and carried.

THE HON. SRI K. MADHAVA MENON :—"Sir, I suggest that the undermentioned Members of this House be elected to the Joint Select Committee :—

- (1) Sri R. Suryanarayana Rao,
- (2) „ D. Manjappa Hegde,
- (3) „ M. Narayana Menon, and
- (4) The Hon. Sri K. Madhava Menon."

MR. PRESIDENT :—"Since the Bill is being introduced here first, the Hon. Minister can give the names of the Members of the Select Committee after the concurrence of the Legislative Assembly."

(2) THE MADRAS ESTATES (REPEAL OF THE PERMANENT SETTLEMENT AND CONVERSION INTO RYOTWARI) BILL, 1947.

* THE HON. SRI KALA VENKATA RAO :—"Sir, I move—

That this House concurs in setting up a Joint Select Committee of both the Houses consisting of 30 members (20 members from the Assembly and 10 members from the Council) to consider the Madras Estates (Repeal of the Permanent Settlement and Conversion into Ryotwari) Bill, 1947 (L.A. Bill No. 37 of 1947) and that the following Members of this House be nominated to the said Joint Select Committee.

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Mr. President, Sir, I need not take the House through every detail about this Bill which has been before the country particularly before this Presidency during the last four or five months. Every one of the hon. Members of this House would have studied the Bill by now and the motion to-day is only for the reference of the Bill to a Joint Select Committee. After the Select Committee scrutinises the Bill, it will be passed by the Assembly and it will come before this House for discussion.

“ Anyhow I would like to tell the House a few general principles that are embodied in this Bill. I need not argue at this stage about the need for the abolition of the zamindaris. The cry for the abolition of zamindaris has been there for a very long time. The Congress Election Manifesto of 1946 gave it out that it will eliminate all intermediaries and create a new system of tenure in the country. In order to give effect to that pledge, I seek to introduce this Bill on behalf of the Government. The House is already aware that it has passed a Bill to prohibit the alienation of communal, forest and private lands in estates in the Province of Madras and also the Madras Estates Land (Reduction of Rent) Bill. One Bill seeks to prohibit alienation of certain defined types of land. The second Bill was to reduce the rental on the zamindari land. There was a fear in the minds of zamindari ryots that the rates would be increased before the zamindaris were abolished. No other Province in India has thought of reducing rentals before they abolish zamindaris. Other Provinces which have published their Bills and those Provinces who are considering such Bills have not taken into account the need for reducing the rents in their Provinces. Reduction is not provided for either in the Bills that have been published or that are going to be published.

• But in Madras we thought that the present rental collected by the zamindars is very high and ought to be brought down. As a matter of fact in 1802 the total rent was Rs. 72 lakhs and they were paying a peshkash of Rs. 48 lakhs. The present rental is over Rs. 2 crores. They have increased it by leaps and bounds. The Government thought that the first duty was to reduce the rents. There has been a proposal from the beginning that the rents should be reduced to the level of 1802; it received the concurrence of both Houses of Legislature in the year 1939. The fear entertained then and even till the beginning of this year was that if we proposed the abolition of the zamindaris, the Secretary of State who had to give his consent to the Bill under the Government of India Act might refuse to give such consent at that time. But on account of our getting independence on August 15, that contention is now gone. Now we are free to introduce a Bill for abolition of zamindaris straightaway. That is the reason why this Government did not take further steps to continue the other Bill published in last January and they have now brought forward this Bill which has to become law. I have spoken in this House before, about the 1802 rates. The main reason for bringing forward this Bill is that the tax structure of our land revenue system should be changed and

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put on a scientific basis, whether the rates are of the year 1802 or 1948 or 1702 or 1602. At present a person who owns one acre, or 10 acres or 100 acres or 1,000 acres pays at the same rate of land tax for similar lands, whereas in the case of income-tax and other taxes we pay according to the slab system on a progressive basis. The land system should be based on progressive taxation basis. Our present proposal is that a man who has got one acre of land must pay less than the rate which a man who owns 1,000 acres pays. It is high time that we should introduce this system in this Presidency. In justification of that we are converting all the estates into ryotwari land. When all the lands become ryotwari lands, it will be time to codify the land revenue law and then introduce the system of progressive taxation. Therefore this Bill does not contain provisions for progressive taxation. I am making it clear that it is the intention of the Government to bring in further legislation after this legislation becomes law. We propose to introduce a new system of taxation on progressive lines for all the lands in the Presidency including the present ryotwari lands.

" I must now come to the other important question in this Bill, namely, the question of compensation. There has been a definite opinion in this country and there have been petitions and representations to the Government that the zamindars are not entitled to any sort of compensation. I have made it plain that it is hard to say that we cannot give compensation and will yet make this Bill law. The old difficulty is there; section 299 of the Government of India Act definitely says that, without payment of compensation we cannot abolish zamindaris; therefore we have to give compensation, and that too equitable compensation. I must remind this House that this House passed a resolution in last January or February saying that the Government might bring a Bill to abolish zamindaris on payment of equitable compensation. That resolution could not be discussed in the other House owing to certain other circumstances. Still the opinion of this House is as much binding upon this Government as that of the other House. Therefore we are only following the direction given to us by this House in last February. That resolution used the word 'acquire'. Some objection was made elsewhere that by using the word 'acquire', we are thinking of the Land Acquisition Act and the rest. In the present Bill there is no reference to the Land Acquisition Act. We have made our own provision as a sovereign legislature for the payment of compensation. There was the other question about the quantum of compensation that is being made. According to the Bill, compensation on a sliding scale is provided for. I should like to state that in other provinces the basis *adumbrated* is the present rental minus certain deductions. Deductions are made for irrigation works, for administrative charges, etc. These are deducted from the present rentals. That is taken as the basis and a multiple thereof is to be given as compensation. In this matter we are far more progressive than other

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Provinces. We want to adopt a more scientific basis. We have got two-thirds of the land as ryotwari land and only one-third as zamindari land. Therefore we want to bring about a uniform system of land tenure in the Presidency. The best thing to do is to reduce the rental in zamindari areas to the ryotwari level. When the rental is so reduced, we will be taking into consideration the extent of land that was brought under the plough subsequent to 1802. We must take into consideration the present acreage and not the acreage of 1802. Some criticisms have been made with regard to our basis. First we bring the rental in zamindari area down to the ryotwari level. Under the Permanent Settlement Act of 1802, the zamindar took two-thirds and paid one-third to the Government. In certain estates as much as 90 per cent was taken by the Government. There are estates in the Salem district which pay 90 per cent rental as peishcash. But generally the basis adopted was two-thirds and one-third. Even according to the original sanad provision had been made for the construction of dams, for administrative charges, for irrigation sources and a number of other things. Out of $33\frac{1}{3}$ per cent we have to deduct these charges. We have to reduce it by $13\frac{1}{2}$ per cent, so as to cover administrative charges and irrigation charges. We must have some basis to be guided by. You will see that the basis is only one-third of the ryotwari rental. That cannot be said to be much.

"The next criticism levelled is why are you giving $17\frac{1}{2}$ or 20 times the basis as in the case of the Land Acquisition Act. That is the question raised. I would like to answer that criticism by saying that it depends upon the basis of compensation. The multiple is not the consideration. If the basis is very low, there is no harm if the multiple is very high, because 25 times one is 25 and 5 times 5 is also 25. It is both 25 in both cases. Therefore if we reduce the basis to a reasonable level, we need not be terrified by the multiple, even if it is 33 times. We have gone into the whole question on a scientific basis and we have satisfied every criterion. We have taken into consideration the new extent of land brought under the plough after 1802. We have decided the portion to which the zamindar is entitled and from that we have made necessary deductions. There cannot be any objection to the procedure that Government have adumbrated.

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"The question of the mode of payment has been discussed; whether it should be in cash or in bonds or securities; this is being discussed by the Government with the Government of India and we shall try to evolve a formula which will be reasonable. Our capacity to pay in cash will depend upon our raising a loan in the market and probably we shall have to issue debentures for periods covering 20 to 30 years; I am not committing Government to any particular course of action. We will go fully into the question and decide. For the present, it has been provided that the manner will be determined according to the rules to be placed before the House.

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" There has been a criticism regarding private lands as to why they should be given over to zamindars. The word 'private land' is used in a sense different from its normal connotation in ordinary terminology. According to the Estates Land Act of 1908 amended by the Act of 1936, the precise definition of the words 'private lands' has been given and that was the land cultivated by the zamindar from 1896 till to-day without interruption. This is the position according to the latest decision of the Privy Council and the highest courts of the land. This is really a very stiff definition and you cannot be going on adding to it further. Further the extent of these private lands is not very much in the presidency. Except in one or two estates, in all the others it does not extend to even a hundred acres. But then there will arise the question: 'Why not a top limit be fixed to the extent of these lands?' But with regard to placing a top limit, I may tell you that in the ryotwari areas there are people who own 9,000 acres in the delta areas and there are others owning less. Without touching them, that we should touch the zamindars who have got such private lands will be iniquitous and unjust. Government have, therefore, under consideration the question whether it should not be made a universal question and that is a matter which will be dealt with in a different Bill.

" The question of inams has been very hotly debated upon both in the press and on the platform and even on the floor of the Legislative Chambers. I would like to tell you that there is a law in this country and it is not for Government to go behind it. That law is that those whole inam villages which were declared to be estates under the Act of 1936, should continue to be estates. This is a Bill for the abolition of estates and not merely the zamindaries or inams. If some inams were estates 12 years ago, we cannot gainsay that fact to-day and fail to include them in the present Bill. It does not stand to reason. We cannot abrogate an Act passed 12 years ago and further, there are difficulties. As a result of that Act, certain rights were given to occupancy tenants and they got rights of inheritance, gift and everything else. What will be the position if you want to go back, and what will become of all rights they have been enjoying all these years? It will be unjust on our part to upset the present position and therefore, I am very sorry we cannot exclude them from the scope of the Bill.

" Regarding charitable inams, you are aware, Sir, that we have provided for the payment of annual grants for charitable institutions which we have incorporated in the Rent Reduction Bill. Similar clauses will be introduced in this Bill also. Minor inams have got a connotation in the land revenue system of this presidency different from what is ordinarily loosely understood; whole inams do not cover all the inam areas in the presidency and comprises an area of nearly 34 lakhs of acres of land, leaving outside, thirty-eight lakhs of acres of minor inams.

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All these 34 lakhs of acres which form whole inam villages were divided and subdivided on account of the law of inheritance, the Mitakshara Law and there are people who own five acres or ten acres and it is very difficult to say that they are big landlords and are intermediaries. What is to be done in their case? Law is mightier than justice and justice is the law of the land. Because he owns only five or ten acres, the man under him who is poorer could not be sacrificed. But Government are prepared for some concession in that matter. One is that if he was himself cultivating the land and there were no occupancy tenants he can get the ryotwari pattah. If he is really an agriculturist let him get the benefit and nobody is worried. If he were not a cultivator himself, we can also tackle the question by giving him better compensation on a basis different from the one adopted for others in the Bill. The matter can be considered in the Select Committee and some decision can be arrived at.

" There are provisions for tribunals under the Bill and they are under clauses 5, 8 and 14. There was a criticism that the Tribunals under clause 5 should be enlarged or that their composition should be changed. I would like to tell the House that no purpose would be served by that means. People who know about survey and settlement alone can determine the nature of these private lands. We have given representation to the landholders and to the ryots; this is more or less a tripartite affair. Those people can sit, consider and determine whether the land is a private land or not. We know the whole thing clearly and in our mind there is no difficulty about the matter. But if still the Select Committee will be in favour of a change in the personnel, the Government are prepared to consider that point also and see if the question would be an improvement over the present position.

" Regarding mines, forests and the rest, the charge was laid that not only were we paying for cultivated land but for cultivable land also, which means the potential value of the land. That is not the intention of Government and if the section requires any improvement, we will be prepared to consider it in the Select Committee.

" The other matters in the Bill are only consequential and if we agree to the main principles of the Bill, there will be no difficulty to proceed with the Bill and there should be no reason why we should delay the Bill. There is a great outcry in the country for the abolition of the zamindaris; people really feel in certain quarters that this Bill is being delayed. It is not the case; we are taking all possible steps to make it law at the earliest possible moment. Any improvements suggested will be taken into consideration by Government and the Bill will be brought before you again after passing through the Assembly."

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The motion was carried, and the following names were approved :—

- (1) The Hon. Sri O. P. Ramaswamy Reddiar,
- (2) „ Dr. T. S. S. Rajan,
- (3) „ Sri K. Madhava Menon,
- (4) Sri P. Veerabhadraswami,
- (5) Sri A. Govindacharyulu,
- (6) Sri N. Ranga Reddi,
- (7) Sri S. Jayarama Reddi,
- (8) K. Uppi Sahib Bahadur,
- (9) Dr. Sir A. Lakshmanaswami Mudaliyar, and
- (10) Sri Medai Dalavoi Kumaraswami Mudaliyar.

(3) A BILL * TO REGULATE THE USE OF WEIGHTS AND MEASURES
IN THE PROVINCE OF MADRAS.

* THE HON. SRI K. MADHAVA MENON :—“ Mr. President, I beg to introduce the Madras Weights and Measures Bill, 1947 and move under rule 111 of the Madras Council Rules that the concurrence of the Legislative Assembly be obtained in setting up a Joint Select Committee of both the Houses consisting of 21 members to consider the Bill, 14 members from the Assembly and 7 members from the Council.

“ There is no uniformity in the weights and measures now in use in various parts of the Province. The question of taking steps to prescribe and enforce a uniform system of weights and measures was considered on several occasions. In 1928, the Jewelers Weights Committee recommended that Government should introduce legislation. The Government decided that a Bill should be prepared to provide for the stamping of all weights and measures and prohibiting the use of those unstamped, for the licensing of manufacturers of weights, etc., and for inspection and power to destroy inaccurate weights. The difficulties in the way of the proposed legislation were however considered insuperable, and the proposal to proceed with the legislation was dropped in 1932. In 1936, the question whether legislation for standardizing weights and measures should be undertaken in this Province, was referred to a sub-committee of the Provincial Economic Council. This Committee decided that the matter might be deferred until after the inauguration of the new constitution.

“ The constitutional position under the Government of India Act, 1935, is that ‘ Establishment of Standards of Weights ’ is a central subject while ‘ Weights and Measures ’ is a provincial subject. So far as weights are concerned, it is for the Central Government to prescribe standards. The enforcement of the use of weights based

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on these standards is not however a matter for the Provincial Government. In 1939, the Government of India passed the Standards of Weights Act, 1939. The Act prescribed the units of weight commonly used by the railways and in commerce, namely, the tola, the seer and the maund and the ton. The stamping establishments in this Province are at present attending to the stamping and testing of weights fixed by the Government of India Act, 1939. It was with reference to the Central Act of 1939 that the question of undertaking legislation for standardization of weights and measures was again taken up in 1939; but in view of the then disturbed political atmosphere the Government postponed legislation for the duration of the war. The question was however reopened in 1944 at the instance of Mr. G. W. Priestley (then Adviser) and it was considered necessary to specify certain denominations of weights and measures correlated to reliable standards. A draft Bill was accordingly prepared and considered recently at a conference with representatives of commercial interests, and the alterations suggested by those representatives have been embodied in it. The Bill is thus one which has been generally agreed to by commercial interests in this Province. The Bill was published for general information in Part IV-A of the *Fort St. George Gazette*, dated 9th December 1947.

The object of the proposed Bill is to secure the uniformity which is now lacking. It follows in several respects the Bombay Weights and Measures Act, 1932, the Punjab Weights and Measures Act, 1941, the Orissa Weights and Measures Act, 1943, and the North-West Frontier Province Weights and Measures Act, 1947. It has been reported that there was opposition in the initial stages from the dealers in Bombay which was mainly the result of their conservative nature and their natural unwillingness and fear of control by a Government agency. The general response from the public in Bombay was reported to be very favourable. The Act is operating smoothly and is a success there. The trades were allowed six months as period of grace to change over to the new system of weights and measures. Similar provision is also made in our Bill. The main features of the Bill are as follows:—

The recognized weights and the recognized measures of length, area and capacity or volume are specified in the schedule to the Bill, which is in three parts. The recognized weights have been correlated to the standard weights specified in the Standards of Weight Act, 1939 (Central Act IX of 1939). Weights and measures specified in the schedule with reference to particular trades are not to be used in other trades. Power is also reserved to the Government or any authority or officer empowered by them, to notify any integral multiple or sub-multiple of any recognized weight or measure, as a recognized weight or measure for the purposes of this Bill. The Bill provides for the preparation and custody of primary and working standards for recognized weights and measures, and also for the stamping of weights and measures. Inspectors will be appointed for the purpose of ensuring that the

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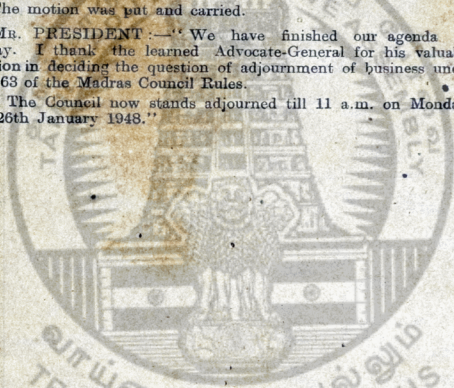
weights and measures used are accurate and have been properly stamped. Every dealing or contract after the Bill becomes law is to be deemed to be had or made with reference to a recognized weight or measure. The use or possession of unstamped or incorrect weights has been made a criminal offence, and such weights and measures are also liable to be seized and forfeited to Government. Unauthorized or incorrect stamping of weights and measures and the counterfeiting of any mark prescribed for stamping on recognized weights and measures have also been made offences.

"Sir, this is the object of the Bill I move and I request the House to give its assent for referring it to the Select Committee."

The motion was put and carried.

MR. PRESIDENT:—“We have finished our agenda for to-day. I thank the learned Advocate-General for his valuable opinion in deciding the question of adjournment of business under rule 63 of the Madras Council Rules.

“The Council now stands adjourned till 11 a.m. on Monday, the 26th January 1948.”



வாய்மையே வெல்லும்
TRUTH ALONE TRIUMPHS

